

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7556 of 2021

Pradeep Kumar Sahoo

....

Petitioner

Mr. J. Sahoo, Advocate

-Versus -

State of Odisha

....

Opposite Party

Mr. P. Tripathy, Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

02.08.2022

Order No.

04.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Addl. Standing Counsel for the State.
3. The petitioner is in custody since 27.04.2021 in connection with Aska P.S. Case No.259 of 2021 corresponding to G.R. Case No.76 of 2021 pending in the Court of learned Addl. Dist. & Sessions Judge-cum-Special Judge, POCSO Act, Berhampur for the alleged commission of offence under Sections 450/354-A(2)/354-B/354-C/354-D(2)/376(2)(n)/376(3)/292(2)(a)/500/506/509 of IPC read with Section 66(E)/67(B) of I.T. Act and Section 6 of POCSO Act.
4. It is alleged that the petitioner maintained physical relationship with the victim against her will since 2014 and is said to have done so repeatedly on multiple occasions. In fact, in her statement recorded under Section 164 Cr.P.C. the victim has even gone to the extent of stating that the petitioner forcibly had sexual intercourse with her for more than 100 times. Surprisingly, the medical examination report of the victim does not prima facie support such allegation.

5. Be that as it may, considering the fact that the petitioner is in custody since 27.04.2021 and also taking into consideration the statement of the victim recorded under Section 164 Cr.P.C., I am inclined to allow the prayer for bail. Let the petitioner be released on bail on such terms and conditions as the court in seisin over the matter may deem fit and proper to impose including the condition that:

(i) He shall personally appear before the court in seisin over the matter on each date of posting of the case without fail and in case of even a single default necessary order shall be passed by the Court below to take him to custody again.

(ii) He shall not approach, threaten, coerce or pressurize the victim or her family members in any manner whatsoever.

(iii) He shall not attempt to make any sort of contact whatsoever with the victim or her family members either physically or telephonically.

(iv) It shall be open to the victim to move an application for cancellation of bail in the event of violation of any of the aforementioned conditions by the petitioner.

6. BLAPL is accordingly disposed of.

7. Issue urgent certified copy as per rules

(Sashikanta Mishra)
Judge